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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,674	09/18/2003	Robert H. Kummer JR.	F-723	4064

7590 06/05/2007
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EXAMINER

LIU, ERIC

ART UNIT	PAPER NUMBER
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3628

MAIL DATE	DELIVERY MODE
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06/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/664,674	Applicant(s) KUMMER ET AL.	
	Examiner Eric Liou	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/8/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/27/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Applicant has amended claims 1-2, 5, 8-9, and 12. Thus, claims 1-15 remain pending and are presented for examination.

Response to Arguments

2. Applicant's arguments filed on 3/8/07 have been fully considered but they are not persuasive.
3. Applicant submits that neither Barns-Slavin et al. nor Raju et al. teaches the step of searching stored information including one or more rate tables for one or more classes of service having a postage rate that matches said postage amount as stated in claim 1. The Examiner respectfully disagrees. See rationale as stated in prior art rejection below. The Examiner notes, the statutory basis for the rejection remains the same (Barnes-Slavin in view of Raju) in the present office action and therefore no new grounds of rejection have been made with respect to the searching step of claim 1 as described above.

Claim Objections

4. Claim 12 is objected to because of a grammatical error. The term "and" should be changed to "an" in line 5. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The Examiner acknowledges amended claims 2, 5, 9, and 12 and withdraws the previous rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barns-Slavin et al., U.S. Patent No. 5,072,397 in view of Raju et al., U.S. Publication No. 2003/0037008 and further in view of Chernin, U.S. Patent No. 6,643,694.

8. As per claim 1, Barns-Slavin teaches a method for processing one or more mail pieces, comprising: a postage amount to be applied to one or more mail pieces (Barns-Slavin: column 3, lines 5-10); stored information including one or more rate tables for one or more classes of service (Barns-Slavin: column 2, lines 58-63); displaying said one or more classes of service to said user (Barns-Slavin: column 5, lines 6-9); receiving a selected class of service, said selected class of service being selected by said user from said displayed one or more classes of service (Barns-Slavin: column 4, line 68 – column 5, lines 1-14); applying said postage amount to said one or more mail pieces (Barns-Slavin: column 3, lines 5-10); and storing transaction information for each of said one or more mail pieces, said transaction information including said postage amount and said selected class of service (Barns-Slavin: column 3, lines 9-10).

9. Barns-Slavin does not teach receiving a postage amount entered by a user, searching stored information having a postage rate that matches said postage amount, if no class of service having a postage rate that matches said postage amount is found, displaying an error message, and if one or more classes of service having a postage rate that matches said postage amount is found, displaying said found one or more classes of service to said user.

10. Raju teaches receiving a postage amount entered by a user (Raju: paragraphs 0080 and 0083), searching stored information having a postage rate that matches said postage amount (Raju: paragraph 0083 – The Examiner interprets the step of selecting a postage rate class to include searching stored information including one or more rate tables for one or more classes of service having a postage rate that matches said postage amount.), and if one or more classes of service having a postage rate that matches said postage amount is found, displaying said found one or more classes of service to said user (Raju: paragraphs 0080 and 0083).

11. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Barns-Slavin to have included receiving a postage amount entered by a user, searching stored information having a postage rate that matches said postage amount, and if one or more classes of service having a postage rate that matches said postage amount is found, displaying said found one or more classes of service to said user as taught by Raju for the advantage of providing a custom option that would recognize a user-specified input (Raju: paragraph 83, lines 1-4).

12. Barns-Slavin in view of Raju does not teach if no class of service having a postage rate that matches said postage amount is found, displaying an error message.

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13. Chernin teaches displaying an error message if no matches have been found (Chernin: column 15, lines 47-49).

14. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Barns-Slavin in view of Raju to have included if no class of service having a postage rate that matches said postage amount is found, displaying an error message as taught by Chernin for the advantage of notifying a user when there is an error in the input data.

15. As per claim 2, Barns-Slavin in view of Raju and further in view of Chernin teaches the method of claim 1 as described above. Barns-Slavin further teaches wherein said displayed one or more classes of service each have a weight that corresponds to said postage amount (Barns-Slavin: Figure 4 and column 4, lines 47-58), said transaction information further including said weight for said selected class of service (Barns-Slavin: column 3, lines 9-10, The Examiner interprets account information to include weight information.).

16. As per claim 3, Barns-Slavin in view of Raju and further in view of Chernin teaches the method of claim 2 as described above. Barns-Slavin further teaches the displaying step further comprising displaying each of said weights along with said one or more classes of service (Barns-Slavin: column 5: lines 8-21).

17. As per claim 4, Barns-Slavin in view of Raju and further in view of Chernin teaches the method of claim 2 as described above. Barns-Slavin further teaches the selected class of service and said weight for said selected class of service are applied to said one or more mail pieces (Barns-Slavin: column 3, lines 5-9).

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18. As per claim 5, Barns-Slavin in view of Raju and further in view of Chernin teaches the method of claim 1 as described above. Raju further teaches wherein after said postage amount is received, said method further comprises prompting said user to indicate a desire to associate said postage amount with one of said one or more classes of service, and proceeding to said searching step only if said user provides an indication of said desire (Raju: paragraphs 0080 and 0083 – The Examiner interprets the step of clicking on the corresponding postage rate class menu button to be indicating a desire to associate the postage amount with a class of service.).

19. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Barns-Slavin in view of Raju and further in view of Chernin to have included wherein after said postage amount is received, said method further comprises prompting said user to indicate a desire to associate said postage amount with one of said one or more classes of service, and proceeding to said searching step only if said user provides an indication of said desire as taught by Raju for the advantage of providing a custom option that would recognize a user-specified input (Raju: paragraph 83, lines 1-4).

20. As per claim 6, Barns-Slavin in view of Raju and further in view of Chernin teaches the method of claim 1 as described above. Barns-Slavin further teaches said selected class of service is applied to said one or more mail pieces (Barns-Slavin: column 3, lines 5-10).

21. As per claim 7, Barns-Slavin in view of Raju and further in view of Chernin teaches the method of claim 1 as described above. Raju further teaches one or more mail pieces comprising a batch of mail pieces (Raju: Figure 13).

22. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Barns-Slavin in view of Raju and further in

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view of Chernin to have included one or more mail pieces comprising a batch of mail pieces as taught by Raju for the advantage of saving time by processing postage for multiple mailpieces at the same time.

23. As per claim 8, Barns-Slavin teaches a mail processing system, comprising: a metering/printing module for applying postage values to one or more mail pieces (Barns-Slavin: Figure 2, "24" and "28"); a display (Barns-Slavin: Figure 2, "15"); a central processing unit controlling operation of said metering/printing module and said display (Barns-Slavin: Figure 2, "20"); and a memory storing information including one or more rate tables and software executable by said central processing unit (Barns-Slavin: Figure 2, "21" and "22"), said software including instructions for (Barns-Slavin: column 2, lines 55-58): a postage amount to be applied to one or more mail pieces (Barns-Slavin: column 3, lines 5-10); stored information including one or more rate tables for one or more classes of service (Barns-Slavin: column 2, lines 58-63); displaying said one or more classes of service to said user (Barns-Slavin: column 5, lines 6-9); (e) receiving a selected class of service, said selected class of service being selected by said user from said displayed one or more classes of service (Barns-Slavin: column 4, line 68 - column 5, lines 1-14); (f) causing said metering/printing module to apply said postage amount to one of said one or more mail pieces or a tape to be applied to said one or more mail pieces (Barns-Slavin: column 3, lines 5-10); and (g) storing transaction information for each of said one or more mail pieces, said transaction information including said postage amount and said selected class of service (Barns-Slavin: column 3, lines 9-10).

24. Barns-Slavin does not teach (a) receiving a postage amount entered by a user, (b) searching stored information having a postage rate that matches said postage amount, (c) if no

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class of service having a postage rate that matches said postage amount is found, displaying an error message, and (d) if one or more classes of service having a postage rate that matches said postage amount is found, displaying said found one or more classes of service to said display.

25. Raju teaches receiving a postage amount entered by a user (Raju: paragraphs 0080 and 0083), searching stored information having a postage rate that matches said postage amount (Raju: paragraph 0083 - The Examiner interprets the step of selecting a postage rate class to include searching stored information including one or more rate tables for one or more classes of service having a postage rate that matches said postage amount.), and if one or more classes of service having a postage rate that matches said postage amount is found, displaying said found one or more classes of service to said display (Raju: paragraphs 0080 and 0083).

26. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Barns-Slavin to have included receiving a postage amount entered by a user, searching stored information having a postage rate that matches said postage amount, and if one or more classes of service having a postage rate that matches said postage amount is found, displaying said found one or more classes of service to said display as taught by Raju for the advantage of providing a custom option that would recognize a user-specified input (Raju: paragraph 83, lines 1-4).

27. Barns-Slavin in view of Raju does not teach if no class of service having a postage rate that matches said postage amount is found, displaying an error message.

28. Chernin teaches displaying an error message if no matches have been found (Chernin: column 15, lines 47-49).

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29. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Barns-Slavin in view of Raju to have included if no class of service having a postage rate that matches said postage amount is found, displaying an error message as taught by Chernin for the advantage of notifying a user when there is an error in the input data.

30. As per claim 9, Barns-Slavin in view of Raju and further in view of Chernin teaches the system of claim 8 as described above. Barns-Slavin further teaches wherein said displayed one or more classes of service each have a weight that corresponds to said postage amount (Barns-Slavin: Figure 4 and column 4, lines 47-58), said transaction information further including said weight for said selected class of service (Barns-Slavin: column 3, lines 9-10, The Examiner interprets account information to include weight information.).

31. As per claim 10, Barns-Slavin in view of Raju and further in view of Chernin teaches the system of claim 9 as described above. Barns-Slavin further teaches said instructions for displaying further comprising instructions for displaying each of said weights along with said one or more classes of service (Barns-Slavin: column 5: lines 8-21).

32. As per claim 11, Barns-Slavin in view of Raju and further in view of Chernin teaches the system of claim 8 as described above. Raju further teaches one or more mail pieces comprising a batch of mail pieces (Raju: Figure 13).

33. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Barns-Slavin in view of Raju and further in view of Chernin to have included one or more mail pieces comprising a batch of mail pieces as

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taught by Raju for the advantage of saving time by processing postage for multiple mailpieces at the same time.

34. As per claim 12, Barns-Slavin in view of Raju and further in view of Chernin teaches the system of claim 8 as described above. Raju further teaches said software further including instructions for after receiving said postage amount, prompting said user to indicate a desire to associate said postage amount with one of said one or more classes of service, said central processing unit executing instructions (b) through (g) only if said user provides an indication of said desire (Raju: paragraphs 0080 and 0083 - The Examiner interprets the step of clicking on the corresponding postage rate class menu button to be indicating a desire to associate the postage amount with a class of service.).

35. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Barns-Slavin in view of Raju and further in view of Chernin to have included said software further including instructions for after receiving said postage amount, prompting said user to indicate a desire to associate said postage amount with one of said one or more classes of service, said central processing unit executing instructions (b) through (g) only if said user provides an indication of said desire as taught by Raju for the advantage of providing a custom option that would recognize a user-specified input (Raju: paragraph 83, lines 1-4).

36. As per claim 13, Barns-Slavin in view of Raju and further in view of Chernin teaches the system of claim 8 as described above. Raju further teaches an input device for enabling said user to enter said postage amount (Raju: paragraphs 0080 and 0083) and choose said selected class of service (Raju: paragraphs 0080 and 0083).

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37. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Barns-Slavin in view of Raju and further in view of Chernin to have included an input device for enabling said user to enter said postage amount and choose said selected class of service as taught by Raju for the advantage of providing a custom option that would recognize a user-specified input (Raju: paragraph 83, lines 1-4).

38. As per claim 14, Barns-Slavin in view of Raju and further in view of Chernin teaches the system of claim 8 as described above. Barns-Slavin further teaches instructions for causing said metering/printing module to apply said selected class of service to one of said one or more mail pieces (Barns-Slavin: column 2, lines 66-68 – column 3, lines 1-10).

39. As per claim 15, Barns-Slavin in view of Raju and further in view of Chernin teaches the system of claim 9 as described above. Barns-Slavin further teaches instructions for causing said metering/printing module to apply said selected class of service and said weight for said selected class of service to one of said one or more mail pieces (Barns-Slavin: Figure 4 and column 2, lines 66-68 – column 3, lines 1-10).

Conclusion

40. The Examiner has cited particular portions of the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or

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part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

41. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Liou whose telephone number is 571-270-1359. The examiner can normally be reached on Monday - Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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THOMAS A. DIXON
PRIMARY EXAMINER